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ROAD LAWS

OF THE

TERRITORY OF WASHINGTON

COMPILED AND PUBLISHED IN PURSUANCE OF AN ACT OF THE LEGISLATIVE ASSEMBLY, APPROVED NOV. 9, 1877.

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WASHINGTON ROAD LAW.

AN ACT

IN RELATION TO ROADS, FERRIES, BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That all county roads shall be under the supervision of the board of county commissioners of the county wherein the said road is located, and no county road shall be hereafter established nor shall any such road be altered or vacated in any county in this territory, except by the authority of the board of county commissioners of the proper county: *Provided*, That this act shall not be construed to interfere with the jurisdiction over roads within the corporate limits of any city or town which by the charter of said city or town is vested in the corporate authorities of said cities or towns, and when such charter confers upon the corporate authorities of said cities or towns the sole power to expend the road labor and taxes collected within such corporate limits.

SEC. 2. All applications for laying out, altering or locating county roads shall be by petition to the board of county commissioners of the proper county, signed by at least twelve

householders of the county, residing in the vicinity where said road is to be laid out, altered or located, which petition shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road.

SEC. 3. When any petition shall be presented for the action of the board of county commissioners for laying out, alteration, or vacation of any county roads, it shall be accompanied by satisfactory proof that notice has been given by advertisement, posted at the place of meeting of said board, and also in three public places in the vicinity of said road or proposed road, thirty days previous to the presentation of said petition to said board, notifying all persons concerned that application will be made to said board at their next term, for laying out, altering, or vacating such road, as the case may be.

SEC. 4. Upon the presentation of such petition and proof that notice has been given, as provided in the last section, the board of county commissioners may appoint three disinterested householders of the county as viewers of said road, and a surveyor, to survey the same, and shall issue an order directing said viewers and surveyor, on a day to be named in said order, or on their failing to meet on said day, within five days thereafter, to view, survey and lay out, or alter said road.

SEC. 5. It shall be the duty of the viewers and surveyor appointed as aforesaid after receiving at least five days' previous notice by one of the petitioners to meet at the time and place specified in the order of the board of county commissioners aforesaid, or within five days thereafter, and after taking an oath or affirmation faithfully and impartially to discharge the duties of their appointments, respectively, they shall take to their assistance two suitable persons as chain bearers and one marker and proceed to view, survey, and lay out or alter said road as prayed for in the petition as near as in their opinion a good road can be made at a reasonable expense, taking into consideration the utility, convenience or inconvenience, and expense which will result to individuals as well as to the public if such road shall be established and opened or altered, and the

surveyor shall survey such road under the direction of the viewers, and cause the same to be conspicuously marked throughout, noting the angles and distances. All trees on the line of such road shall be marked on each of the sides corresponding with the direction of the road with three notches cut through the bark and at least one inch into the wood, and all trees adjacent to the line shall be plainly blazed on the side facing the road. The beginning and termination of such road, and the termination of each mile thereon shall be designated by a tree, if one is found at the point, if not, then by a stone containing at least 1,728 solid inches, if such stone can be found in the vicinity, if not, then by a post of durable wood, at least four inches square and three and a half feet long, and firmly planted not less than eighteen inches in the ground. When posts are used two bearing trees shall be chosen, the course and distance of each of which from the post, the direction of the tree and the kind of wood shall be noted by the surveyor. If no stone can be obtained and no trees suitable for bearing trees can be found, the surveyor shall cause a mound to be erected of compact earth around the post, eighteen inches high and four feet square. The beginning and terminating points of the road, whether trees, posts, or stones shall be marked by the letter "R." The termination of each mile shall be marked by a figure indicating the number of the mile from the beginning of the road followed by the letter "M." The marks required by this section if occurring on stones shall be cut legibly, at least one-eighth of an inch deep; if occurring on trees or posts they shall be plainly cut, at least one-fourth of an inch deep in the solid wood, the bark having been at first removed. All bearing trees shall be marked on the side facing the post to which they correspond, with a figure and letter the same as that on the post, cut into the solid wood in the same manner as other trees are required to be marked. The surveyor shall also make out and deliver to one of the viewers, without delay, a certified return of the survey of the said road, and a plat of the same, and the viewers or a majority of them shall make and sign a

report in writing, stating their opinion in favor of or against the establishment or alteration of such road and set forth the reasons of the same, which report, together with the plat and survey of said road or alteration shall be delivered to the county auditor by one of the viewers, on or before the first day of the term of said board then next ensuing, and it shall be the duty of the said board of county commissioners on receiving the report of the viewers aforesaid to cause the same to be publicly read twice at the same meeting, and if no remonstrance with a greater number of remonstrators than there are names on the petition (the names on the remonstrance to be confined to the vicinity of the proposed road), or petitions for damages be filed, and the commissioners being satisfied that such road will be of public utility, the report of the viewers being favorable thereto, the commissioners shall cause said report, survey, and plat to be recorded, and from thenceforth said road shall be considered a public highway, and the commissioners shall issue an order directing said road to be opened.

SEC. 6. In all cases where any oath or affirmation is required to taken by any person under the provisions of this act, the same may be administered by the surveyor or by one of the viewers who have previously been sworn or affirmed themselves. *Provided*, That it shall not be necessary to survey any county road unless the board of county commissioners shall order the same.

SEC. 7. If any person through whose lands county roads may be viewed and marked out shall feel that he or she would be injured by the opening of the same, such person may make complaint thereof in writing to the board of county commissioners at the time the report of the viewers, appointed to view said road, is received and if such complaint be made the county commisioners shall appoint three disinterested householders of the county who shall meet at such time as may be designated by the county commissioners, or at such time as may be agreed upon by such householders, and after having been duly sworn or affirmed to discharge their duty faithfully and impartially

shall proceed and view said proposed road the whole distance through the premises of the complainant and assess and determine how much less valuable such premises of the complainant would be rendered by the opening of said road and they shall report the same in writing to the county commissioners at the next regular term.

SEC. 8. If the board of county commissioners are satisfied that the amount of damage so assessed is just and equitable and that the proposed road will be of sufficient importance to the public to cause the damages so assessed and determined to be paid by the county, the commissioners shall order the same to be paid to the complainant out of the county treasury, but if in the opinion of the county commissioners such proposed road is not of sufficient importance to the public to cause damages to be paid by the county the commissioners may refuse to establish the same as a public highway unless the expense or damages or such part thereof as the commissioners may think proper shall be paid by the petitioners.

SEC. 9. Any complainant who may conceive himself aggrieved by the assessment of damages as prescribed by the two preceding sections may within twenty days after such report is adopted by the county commissioners appeal therefrom to the district court of the proper county. Such appeal shall be taken to the district court in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judgment more favorable than the report appealed from he shall pay all costs of the appeal.

SEC. 10. All county roads shall be sixty feet in width unless the county commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in width.

SEC. 11. When the place of beginning or true corner [course] of any public road shall become uncertain by reason of the removal of any marked tree or monument by which such road is designated, or from any other cause, the county commissioners of the proper county may appoint three disinterested

householders of the county to review and if they deem it necessary to straighten such road and the reviewers shall cause the said road to be correctly surveyed and marked throughout, as in case of a new road, and shall make a return of the survey and plat of such road to the county commissioners of the proper county; the commissioners shall cause the same, if approved, to be recorded as in other cases; and from thenceforth such road surveyed as aforesaid shall be considered as a public highway.

Sec. 12. If any person or persons through whose lands any public highway is or may be established shall be desirous of turning such road through any other part of his or their lands, such person or persons may by petition apply to the county commissioners of the proper county to permit him or them to turn such road through any other part of his or their land, on as good ground, and without materially increasing the distance to the injury of the public, and on receipt of such petition, accompanied by a sufficient bond to pay the costs and expenses to be incurred thereby, the commissioners may appoint three disinterested householders as reviewers and a surveyor who, or a majority of such reviewers, shall proceed to review the ground over which the road is proposed to be turned, and ascertain the distance such road will be increased by the proposed alteration, and make out a report in writing, stating the several distances so found, together with their opinion as to the utility of making such alterations, and if the reviewers, or a majority of them shall report to the commissioners that the prayer of the petitioner or petitioners is reasonable, and upon receiving satisfactory evidence that the proposed new road has been opened a legal width and in all respects made equal to the old road for the convenience of travelers the commissioners may declare such new road a public highway, and make record thereof, and at the same time vacate so much of the old road as is embraced in the new, and the person or persons petitioning for the alteration shall pay all the costs and expenses of the view, survey and return of the alteration.

SEC. 13. If any viewer or viewers shall refuse or neglect to perform the duties required by this chapter, without making satisfactory excuse for such refusal or neglect, he shall be fined by the board of county commissioners, in any sum not exceeding ten dollars, to be recovered by an action before a justice of the peace of the proper county, which fine when collected shall be paid over without delay into the county treasury.

SEC. 14. Upon application being made under the provisions of this chapter, for a view or review of any public road proposed to be laid out, altered or vacated, the county commissioners, shall before issuing an order to the viewers, require a bond to be executed by one or more of the petitioners for such view or review with surety sufficient to be approved by the commissioners, and made payable to the county in such sums as the commissioners shall direct, not exceeding two hundred dollars, conditioned that if the prayer of the petitioners be not granted and allowed the person executing such bond will pay all costs and expenses that may be incurred by reason of such view or review.

SEC. 15. Any person whose land shall be so situated that it has no connection with any public road may make application in writing to the county commissioners of his county at a regular term for a private road leading from his premises to some convenient public road, and thereupon the commissioners shall appoint three disinterested householders of the county, as viewers and cause an order to be issued directing them to meet on a day named in such order to view and locate a private road according to the application and to assess the damage to be sustained thereby, and after being duly sworn or affirmed faithfully and impartially to discharge the duties of their appointment, and after at least three days notice given to all persons through whose land such private road is to be located, such viewers shall proceed to locate and mark out a private road thirty feet in width from some certain point on the premises of the

*This section is only in force in the counties of Kitsap and Walla Walla. See act amendatory of, and following, this act.

applicant, to some certain point on the public road so as to do the least damage to the lands through which such private road is located, and they shall also at the same time assess damages sustained by the person or persons owning such lands. *

SEC. 16. The viewers appointed in accordance with provisions of the preceding sections of this act shall have power to determine in all cases whether or not gates shall be placed at proper points on said road and assess damages in accordance with that determination.

SEC. 17. The viewers so appointed, or a majority of them, shall make a report to the county commissioners at the next regular term, of the private road so located by them, and also the amount of damages, if any, assessed by them, and the person or persons entitled to such damages, and if the county commissioners are satisfied that such report is just, and after payment by the applicant of all costs of locating such road and the damages assessed by the viewers, the commissioners shall order such report to be confirmed and declare such road to be a private road, and the same shall be recorded as such, and any person aggrieved by the assessment of damages, may appeal within twenty days after such confirmation of the report, to the district court.

SEC. 18 The board of county commissioners shall, as often as they may deem necessary, but not oftener than once a year, divide their respective counties, or any part thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county records.

SEC. 19. The board of county commissioners shall annually at the February or May term thereof, appoint a supervisor of roads for each road district in the county, and shall at any time fill any vacancy that may occur in such office. The county commissioners shall cause a certified copy of the order appointing a supervisor, to be delivered to the sheriff or deputy, who shall serve the same as soon as may be, which shall be notice of

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his appointment and evidence of his authority to act as such. Each supervisor shall hold his office until the following February or May term of the board of county commissioners, and before entering upon the discharge of his duties, shall take an oath to faithfully discharge the duties of his office, and if required by the commissioners shall enter into bond to the county, with one or more sureties, to be approved by the commissioners, in any sum specified by the commissioners, not exceeding one thousand dollars, to the effect that he will faithfully account for and pay over to the treasurer all moneys that may be in his hands by virtue of his office. The county commissioners shall have power at any time to remove from office any supervisor who shall fail, neglect or refuse to perform the duties of the office. *

SEC. 20. It shall be the duty of the county auditor to furnish the supervisor of each road district a list of petitioners for county roads residing in their respective districts, and it shall be the duty of the supervisors to cause said petitioners to perform two days labor each in opening said road: *Provided*, That any person may in lieu of each day's work to be performed according to this section, pay into the hands of the supervisor the sum of three dollars per day, to be expended in labor on said road in said district.

SEC. 21. It shall be the duty of every supervisor of roads, on or before the fifteenth day of March, to obtain the names and make out in alphabetical order, a list of all persons liable to perform labor on the public roads residing within his road district, and file the same with the county auditor, whose duty it shall be to affix to each name the amount of taxable property owned by each person residing or owning real property therein, for county rates the last preceding year.*

SEC. 22. In making such estimate and assessment, the supervisor shall proceed as follows:

1. He shall apportion the labor to be performed in his road

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district, according to the valuation of taxable property owned by each person residing, or owning real property therein, in the ratio of one day's work for each and every one thousand dollars assessed for Territorial and county purposes, the last preceding year: *Provided*, That any person may, in lieu of each day's work to be performed according to this act, pay into the hands of the supervisor the sum of three dollars, to be paid to the county treasurer for the use of the general road fund for the county.

2. He shall assess two days work to be performed by every male between twenty-one and fifty years of age, except persons who are a public charge, or too infirm to perform labor.*

SEC. 23. Whenever the supervisor shall, from any cause, have neglected or omitted to place on his list, and assess any person within the time required by law, he shall at any time afterwards place the name of any such person on the list, and assess the number of days work to be performed by him which assessment shall in all respects be valid as if made in due time.*

SEC. 24. The supervisor must notify every person within his road district, subject to road labor as aforesaid, to perform the work assessed on the public roads within his district, and if any person subject to road labor as aforesaid, shall, after three days notice, either personally or by writing, left at his usual place of abode, by the supervisor or by any other person by his direction, neglect or refuse to attend by himself or suitable substitute, at the time and place designated by the supervisor, or having attended, shall refuse to obey the directions of the supervisor, or shall pass his time in idleness or inattention to the labor or duties assigned him, every such delinquent shall thereby become liable to the supervisor for the amount of his road tax in money, and such supervisor shall proceed at once to collect the same by levy and sale of the property, real and personal, of such delinquent, or sufficient thereof for that pur-

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pose, and to pay the penalty for such delinquency and the costs and expense of the levy and sale; and any person having men employed, either for himself or a company, shall pay the road tax due by such men, on being notified in writing by the supervisor: *Provided*, That such person or company is indebted to such men the amount of such tax, the same, if not paid, to be collected by said supervisor as hereinabove provided.*

SEC. 25. The supervisor must collect from the delinquent, in addition to the amount of the road tax, twenty per centum thereon, but if any such delinquent shall pay the amount of the road tax to the supervisor before a levy upon his property, such twenty per centum shall not be added thereto.

SEC. 26. Every person notified to labor on the public roads, under the provisions of this chapter, shall be required to appear at the place appointed by the supervisor, at the hour of eight o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct, and work industriously and diligently, doing at least eight hours faithful labor in each day at such work, and in such manner as shall be directed by the supervisor; and such supervisor may, if he deem it necessary, order any person (owning the same) to furnish a team of horses, mules or oxen, and wagon, cart, scraper or plow, to be employed or used on the roads under the direction of such supervisor, who shall allow such person a reasonable compensation for the use of such team, wagon, cart, scraper or plow, in discharge of any labor due from such person.

SEC. 27. When a supervisor cannot find sufficient property of a delinquent out of which to make the amount of his road tax, or any part thereof, he must collect the same or any part thereof remaining uncollected by an action in his own name against the delinquent, in any court having jurisdiction thereof; and if judgment be given in such action against the defendant, it shall be enforced in the same manner as a judgment for a fine in a criminal action. All moneys paid to, or col-

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lected by the supervisor for road taxes, shall be paid to the county treasurer for the use of the general road fund of the county. *

SEC. 28. The supervisor of roads shall open, or cause to be opened, all public roads which may have been, or may hereafter be laid out and established according to law, in any part of his road district, and shall keep the same in good repair; and if the labor in his district, assessed as provided in section twenty-two of this act, is not sufficient for that purpose, then he shall have authority to assess and call out such an amount of labor as will be sufficient to put the public roads in his district in good repair: *Provided*, That said assessment shall be made as near as possible upon the basis of assessment in section twenty-two; and he shall have authority to purchase for the use of the road district, any plows, scrapers or other implements which he may think proper, and to enter upon any lands adjoining or near the public road, and gather, dig and carry away any stone, gravel or sand, and cut down and carry off any trees or wood necessary for the making and repairing of any public road, and to purchase any timber, plank or other materials necessary for making or repairing any public road in his district, and to enter upon any land adjoining or lying near any public road in his road district, and cut, open or construct such drains and ditches as he shall deem necessary for the making or preservation of such roads, doing as little injury as may be to such lands; and any person stopping or obstructing the drains or ditches so made shall forfeit the sum of twenty dollars for each offense, to be recovered and appropriated as provided in the last section: *Provided*, That in all suits decided adversely to the supervisor, hereby authorized to be instituted by him, he shall be allowed a credit, in his yearly settlement, of costs he may have been compelled to pay on account of such adverse decision or decisions.

SEC. 29. If any person shall feel aggrieved by the act of any supervisor cutting or carrying away timber or stone as

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aforesaid, he may make complaint thereof in writing to the county commissioners, at any regular meeting within six months after the cause of such complaint shall exist, and such commissioners shall proceed to assess and determine the damages, if any, sustained by the complainant, and cause the same to be paid out of the county treasury.

SEC. 30. Every supervisor shall erect and keep up at the forks of every highway and every crossing of public roads within his road district, a guide or finger board, containing an inscription in legible letters, directing the way, and specifying the distance to the next town or public place situated on each road respectively.

SEC. 31. If at any time during the year, any public road shall become obstructed by falling of timber, or from any other cause, or any bridge shall be impaired or become dangerous for the passage of teams or travelers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstruction to be removed or bridges repaired, for which purpose he shall immediately order out such number of inhabitants of his district as he may deem necessary to remove such obstruction, or to repair such bridge; and all persons so ordered out shall, after having received one day's notice, be subject to the same restrictions and liable to the same penalties, as if ordered out under section twenty-four of this chapter.

SEC. 32. In all cases where any person shall, under the direction of the supervisor of roads, perform more labor upon the public roads than may have been assessed upon him under the provisions of this act, the supervisor shall give such person a certificate, specifying the amount of extra labor so performed, which certificate may be transferred and received in discharge of the labor of any other person within the same district, to the amount of labor specified in such certificate, or may be received from the holder in satisfaction of labor on the roads in such road district in any subsequent year for the amount of labor specified therein.

SEC. 33. Every supervisor shall keep an account of the

days work performed on the roads in payment of road tax, and by whom performed, and also an account of all moneys collected or recovered by him for road tax, and such supervisor shall each year return his accounts to the board of county commissioners for examination and settlement, at the February or May term thereof, and must pay over any moneys in his possession to the county treasurer as often as once in three months for the use of the general road fund of the county.*

SEC. 34. In an action by the supervisor to recover a delinquent tax, the presumption shall be, until the contrary is shown, that the defendant was duly warned to work the road, and failed or neglected so to do, and that he had no property whereon the supervisor could levy to make the amount of such tax, or the portion sued for. No property is exempt from levy and sale for a delinquent road tax.

SEC. 35. Any supervisor of roads who shall neglect or refuse to perform the several duties enjoined upon him by this chapter, or who shall, under any pretence whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for money paid or labor performed, unless the money shall have been paid or the labor performed prior to the giving or signing such receipt or certificate, shall forfeit for every such offense not less than five, nor more than fifty dollars for the use of his county, to be recovered before any justice of the peace having jurisdiction of the same, in the name of the county commissioners; and it is hereby made the duty of the commissioners to sue for the same: *Provided*, That if any supervisor conceive himself aggrieved by the decision of the justice of the peace, he may appeal to the district court as in other cases.

SEC. 36. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, over and above the number of days work required by law to be performed by such supervisor, the sum of two dollars, to be paid out of the road fund in the

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county treasury, after the report of the supervisor shall have been received and approved by the commissioners. Every person employed as surveyor under this act shall receive as compensation, the sum of three dollars per day; each viewer or reviewer the sum of two dollars per day; and each chain carrier and marker the sum of two dollars per day: *Provided*, That no surveyor, viewer, reviewer, chain carrier or marker shall receive any compensation, until he shall certify to the county commissioners that he has been necessarily employed the number of days for which he claims pay, and that he has complied with the requirements of this act.*

SEC. 37. If any part of any road in this Territory shall not be opened for four years after, or from the time of its location, the same shall become vacated.*

SEC. 38. All the Territorial roads in this Territory are hereby declared to be county roads.

SEC. 39. Any person subject to perform road labor, shall perform the same upon any road in the district which the supervisor may designate in his notice to perform work on the roads.

CHAPTER II.

THE ESTABLISHMENT AND REGULATION OF FERRIES.

SEC. 40. The board of county commissioners of any county in this Territory may grant a license to any person, entitled and applying therefor, to keep a ferry across any lake or stream within its respective county, upon being satisfied that a ferry is necessary at the point applied for, which license

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shall continue in force for a term to be fixed by the commissioners, not exceeding five years.

SEC. 41. The board of county commissioners shall tax such sum as may appear reasonable, not less than one, nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay to the county treasurer the tax for one year in advance, taking his receipt therefor; and upon the production of such receipt the county auditor shall issue such license under the seal of his office.

SEC. 42. Unless otherwise provided by law, no such license shall be granted to any person other than the owner of the land embracing or adjoining such lake or stream where the ferry is proposed to be kept, unless such owner shall neglect to apply for such license; and whenever application shall be made for a license by any person other than such owner, the board of county commissioners shall not grant the same, unless proof shall be made that the applicant caused notice in writing of his intention to make such application, to be given to such owner, if residing in the county, at least ten days before the session of the board of county commissioners at which application is made.

SEC. 43. Every person intending to apply for a license to keep a ferry at any place, shall give notice of such intention by posting up at least three notices in public places in the neighborhood where the ferry is proposed to be kept, twenty days prior to any regular session of the board of county commissioners at which the application shall be made: *Provided*, That when application shall be made for the renewal of a license where the former license has expired, the same may be granted or renewed without previous notice or petition.

SEC. 44. Every person applying for a license to keep a ferry shall, before the same is issued, enter into a bond with one or more sureties, to be approved by the county auditor, in a sum not less than one hundred, nor more than five hundred dollars, conditioned that such person will keep said ferry accord-

ing to law; and if default shall at any time be made in the condition of such bond, damages not exceeding the penalty may be recovered by any person aggrieved, before any court having competent jurisdiction.

SEC. 45. Every person obtaining a license to keep a ferry shall provide, and keep in good and complete repair, the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skillful men to attend and manage the same, and he shall also, at all times, keep the place of embarking and landing in good order and repair, by cutting away the bank of the stream so that persons and property may be embarked and landed without danger or unnecessary delay.

SEC. 46. Every person obtaining a license, as aforesaid, shall give constant and diligent attention to such ferry, from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of evident danger, give passage to all persons requiring the same, on the payment of double the rate of ferriage allowed to be taken in the daytime; and if he shall at any time neglect or refuse to give passage to any person, or his property, he shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, to be recovered before any justice of the peace having jurisdiction, and he shall moreover be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal; but no forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across such stream, when it is manifestly hazardous to do so, by reason of any storm, flood or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property, until the fare or toll chargeable by law shall have been fully paid or tendered to such keeper.

SEC. 47. Whenever the county commissioners of any county

shall grant a license to keep a ferry across any lake or stream, such commissioners shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard to the breadth and situation of the stream, and the dangers and difficulties incident thereto, and the publicity of the place at which the same shall have been established; and every keeper of a ferry who shall at any time demand and receive more than the amount so designated for ferrying, shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, over and above the amount which shall have been illegally received, to be recovered before any justice of the peace having jurisdiction.

SEC. 48. The county commissioners of the several counties are hereby authorized to fix, alter and establish, from time to time, the rates of ferriage to be levied and collected at all ferries now established, or hereafter to be established by law, within or bordering upon the county lines of any of the counties in this Territory.

SEC. 49. Every person licensed to keep a ferry, shall post up, in some conspicuous place near his ferry landing, a written or printed list of the rates of ferriage which are changeable by law at such ferry, which list of rates shall at all times be written or printed in a plain, legible manner, and posted up so near the place where persons shall pass across such ferry, that the same may be easily read; and if at any time such keeper shall neglect or refuse to post and keep up such list, it shall not be lawful to charge or take any ferriage or compensation at such ferry, during the time of such delinquency.

SEC. 50. All persons shall be received into the ferry boats and conveyed across the stream, over which such ferry shall be established, according to their arrival at the same, and if any keeper of a ferry shall act contrary to this regulation, he shall forfeit and pay the sum of ten dollars for every such offense, to the party aggrieved, to be recovered before any justice of the peace having jurisdiction: *Provided*, That public officers on urgent business, post riders, couriers, physicians, surgeons and

midwives shall in all cases be first carried over where all cannot go at the same time.

SEC. 51. Every person licensed to keep a ferry, according to the provisions of this chapter, shall have the exclusive privilege of transporting all persons and property over and across the stream where such ferry is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, That nothing herein contained shall be construed to prevent any person from crossing over such stream at such ferry in his own boat, or to take in and carry over his neighbor, when the same is done without fee or charge, and not with intent to injure any person licensed to keep a ferry.

SEC. 52. If any person licensed to keep a ferry shall fail to pay the tax assessed thereon, when due, or shall not provide and keep in good and complete repair, the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof or shall neglect to employ a sufficient number of skillful and discreet ferrymen, as is provided in section forty-five of this chapter, within three months from the time license shall be granted or if such ferry shall not at any time be kept in good condition and repair, agreeably to the provisions of this chapter; or if the same shall be abandoned, disused or unfrequented for the space of six months, at any one time, it shall be lawful for the board of county commissioners of the proper county, on complaint being made in writing, to summon the person licensed to keep such ferry, to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced and the laws of this Territory, which decision when made shall be valid to all intents and purposes, subject to be reviewed by the district court: *Provided*, That if any ferry shall be disused by reason of the stream over which the same is established being fordable at certain seasons of the year, or by reason of the travel being subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

SEC. 53. Any person who shall maintain any ferry, and

receive ferriage, without first obtaining a license for the same, shall pay a fine of ten dollars for each offense, to collected for the use of the county, by suit before any justice of the peace having jurisdiction; and any person is hereby authorized to bring such suit: *Provided*, That it shall not be considered unlawful for any person to transport any other person or his property over any stream for hire, when it shall be made evident that there is no ferry, or that the ferry established at such place was not in actual operation at the time, or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

CHAPTER III.

THE ESTABLISHMENT AND REGULATION OF TOLL ROADS.

SEC. 54. Whenever a public road in any county in this Territory is or may hereafter be so located that there is little or no local labor along the line of said road, the board of county commissioners of the county where such road or any portion of the same is, or may hereafter be located, is authorized to lease such road or any portion of the same, to any person or corporation, to open, improve and keep the same in repair for a period not exceeding ten years, with the right in consideration thereof, to collect and receive tolls for travel thereon, in the manner provided in this chapter.

SEC. 55. Whenever it becomes expedient and lawful under the provisions of this chapter, to lease a public road, or any specific section thereof, the board of county commissioners shall make an order to that effect, specifying therein the termini thereof, and directing the county auditor to cause the same to be published in some weekly newspaper of general circulation therein, for a period not less than four weeks, and in

like manner to give notice therewith that sealed bids will be received at such auditor's office for the leasing of such road, until a particular hour of a certain day thereafter, not more than ten days after the expiration of the publication of such order and notice.

SEC. 56. No bids shall be considered, unless accompanied by a bond executed by two or more sureties, in the sum of two thousand dollars, to be void upon the condition that the bidder, if the lease is awarded to him, will, within ten days thereafter, enter into the contract for keeping the road, and give the bond to secure the performance thereof as hereinafter provided.

SEC. 57. The contract for the lease shall be subscribed by the lessee, and approved by the board of county commissioners and filed with the county auditor. At the time of filing the contract, the lessee shall give a bond to the county, in a sum to be fixed by the board of county commissioners, not less than two thousand, nor more than ten thousand dollars, with two or more sufficient sureties, to be void upon the condition that the lessee will faithfully perform the contract in relation to such road, and comply with the provisions of this chapter concerning the same.

SEC. 58. The sureties in the bond mentioned in the last section, shall have the qualifications of bail upon arrest, and shall justify in like manner before the county commissioners or the clerk thereof.

SEC. 59. A road leased under this act, shall be cleared of standing timber and have a track for traveling of the same width, and be kept in the same order, and the streams or other waters on the line thereof shall be bridged, or ferries established thereon, and shall be made of such grade and of such materials as the contract shall specify.

SEC. 60. No toll shall be collected for travel on such roads, except at a gate, nor unless a sign board be posted at such gate in full view of the travel on the road, with the rates of toll plainly written or printed thereon. The lease shall specify the

number of gates that may be placed on the road, to which it relates, and the location thereof, and thereafter the number of such gates shall not be increased; but the board of county commissioners, upon the application of the lessee, may, at any time, for good reasons, authorize the lessee to change the location of such gates, or any of them.

SEC. 61. The rates of toll that the lessee may collect and receive, shall be specified in the lease, and none other can be charged; and any person who shall pass through a gate upon such road without paying the toll legally charged thereat, or when traveling on such road shall go round such gate with intent to avoid the payment of such toll, shall be liable to the lessee for three times the amount of such toll; and any lessee of such road who shall by himself, his agent or servants, collect or receive of any person illegal toll for traveling on such road, shall be liable to such person for three times the amount of such toll.

SEC. 62. A road leased as provided in this chapter, is nevertheless to be deemed a highway; but no footman shall be required to pay toll for traveling on such road, nor shall any person while traveling from one portion of his farm to another, with or without any stock or vehicle, or person in his employ, or in going to, or returning from church, a funeral or an election.

SEC. 63. The board of county commissioners has authority, upon the application of the lessee, to cancel or modify the lease, upon such terms as may be equitable and just and the proper district attorney may maintain an action against the lessee, in the name of the county, to have such lease declared forfeited, whenever the lessee shall fail or neglect to comply with the provisions thereof, and of this chapter.

SEC. 64. Tolls are only chargeable by the lessee upon the following items, or classes of person or property:

1. Sheep and hogs.

2. Horses, mules, asses or neat cattle, whether being used for draught, or led or driven loose.

3. A person other than a footman, and not traveling in a vehicle.

4. A two wheeled vehicle, loaded or unloaded.

5. A four wheeled vehicle, loaded or unloaded.

SEC. 65. The rate of tolls to be charged by the lessee, upon each item or class specified in the last section, is as follows:

1. The basis or unit of toll is the charge for a sheep or hog, to be known as a single toll.

2. For any animal, described in subdivison two of such section, four such tolls may be charged.

3. For any person described in subdivision three of such section, ten such tolls may be charged.

4. For any vehicle described in subdivision four of such section, twenty such tolls may be charged.

5. For any vehicle described in subdivision five of such section, forty such tolls may be charged.

SEC. 66. The order mentioned in section fifty-five, shall specify the number of gates to be placed on the road, the grade of the road, the material for the construction thereof, and the period for which the same is to be let. The bid shall specify the uuit or rate of toll upon a sheep or hog, which the bidder is willing to accept for keeping the road, and such bid shall be deemed a bids for tolls, as to the other items or classes mentioned in section sixty-four, in the proportion of such unit or rate, as specified in section sixty-five.

SEC. 67. Upon opening the bids, the lease shall be awarded to the lowest bidder, having due reference to the fact of which of them is best qualified for the undertaking. The board of county commissioners have the power, and it is their duty to reject any or all bids, when there appears sufficient cause, and may subsequently re-offer and let the same.

CHAPTER IV.

TRAVEL ON PUBLIC HIGHWAYS.

SEC. 68. Whenever any person driving any vehicle, shall meet on any public highway in this Territory, whether owned or kept by a corporation or private person, the persons so meeting shall seasonably turn their vehicles to the right of the center of the road, so as to permit each vehicle to pass without interfering with, or interrupting the other.

SEC. 69. If any person shall willfully violate the provisions of this chapter, he shall forfeit and pay the sum of five dollars for every such violation, to the party injured, to be recovered by a civil action, and such further damage in the same action as such party may directly sustain by reason of such violation.

SEC. 70. That whenever any person driving a vehicle, who shall violate the provisions of this chapter, is at the time in the employ of another, such other person is liable for the penalty herein provided, the same as if he were the driver of such vehicle at the time of such violation, but an election to sue either the driver or employer is a bar to an action against the other.

CHAPTER V.

BRIDGES ON PUBLIC ROADS.

SEC. 71. The board of county commissioners of the several counties in this Territory are hereby authorized to apply

in their discretion, any road moneys in the county treasury not otherwise appropriated, toward defraying the expense of the building or repairing bridges, on any of the county roads within their respective counties.

SEC. 72. The board of county commissioners may appoint some suitable person to superintend the letting and building, repairing and receiving the bridge when done. When a bridge is to be built, said superintendent shall put up three notices in the county, at least twenty days prior to the time of letting such bridge, one of which shall be posted in the neighborhood where the bridge is to be built or repaired, which notice shall state the general plan of said bridge and statement of the proposed repairs; also the time and place of letting the same, which shall be let to the lowest responsible bidder, at public outcry, and when said bridge is completed, the superintendent shall give the contractor a certificate for the same, if in his judgment the bridge has been built or repaired according to contract, and make due report thereof to the board of county commissioners, which certificate shall be a voucher to the board to pay the money: *Provided*, *however*, That whenever, in the discretion of the board of county commissioners, an emergency may require it, they may authorize repairs without such notice.

SEC. 73. Whenever it shall be deemed necessary by the board of county commissioners of any county in this Territory, to erect or repair a bridge over any stream which is a boundary line between two counties, the board of county commissioners of said adjoining counties are hereby authorized to unite for the purpose of erecting or repairing such bridge; and when any person or persons interested shall apply in writing to the board of county commissioners of either of the counties interested, such board shall proceed to appoint three viewers, who shall, after being first sworn to well and faithfully perform their duties as such viewers, proceed to view the bridge proposed to be repaired, or the site designated for such new bridge, and make an estimate of the cost of such repairs or erection, and of

their proceedings make due report to the commissioners, together with a plan and specifications of such new bridge, or a statement of proposed repairs. If the board shall decide to appropriate the amount necessary for its erection or repairs, they shall submit such estimate of costs, together with the plan of such bridge, or statement of repairs to the county commissioners of the other county interested; and if said commissioners shall approve the same, and agree to defray one-half of the whole sum estimated or appropriated, together with the one-half of the necessary cost of view, then the board of county commissioners to which application was first made, shall proceed to appoint a superintendent, and build said bridge or make said repairs, as provided in section seventy-two of this chapter; the one-half the whole costs and expense of which shall be a legal claim against, and be paid by said adjoining county.

SEC. 74. All acts and parts of acts in conflict with any of the provisions of this act, be, and the same are hereby repealed, except special acts relating to roads in certain counties, passed at the present session of the Legislative Assembly.

Passed the House of Representatives Dec. 1, 1869.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the Council Dec. 2, 1869.

WILLIAM McLANE,

President of the Council.

Approved December 2, 1869.

ALVAN FLANDERS,

Governor of Washington Territory.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES AND TRAVEL ON PUBLIC HIGHWAYS," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section fifteen of the act to which this is amendatory, be amended to read as follows:

"SEC. 15. Any person whose land shall be so situated that it has no connection with any public road may make application in writing to the county commissioners of his county at a regular term for a private road leading from his premises to some convenient public road by first posting three notices fifteen days before said meeting in the district where said road is to be located, and thereupon the commissioners shall appoint three disinterested householders of the county, as viewers and cause an order to be issued directing them to meet on a day named in such order to view and locate a private road according to the application and notices and to assess the damage to be sustained thereby, and after being duly sworn or affirmed faithfully and impartially to perform the duties of their appointment, and after at least three days notice given to all persons through whose land such private road is to be located, such viewers shall proceed to locate and mark out a private road thirty feet wide from some certain point on the premises of the applicant to some certain point on the public road, so as to do the least damage to the lands through which such private road is located, and they shall also at the same time assess damages sustained by the person or persons owning such lands."

That section 19 of the act to which this is amendatory, be amended to read as follows:

"SEC. 19. The supervisor of each road district in this Territory shall, at least ten days before the first Monday in

April of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in April, at two o'clock in the afternoon, at some convenient place in said district to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman, if present if not present a chairman shall be elected by the voters present. The meeting shall also elect a secretary who shall record the proceedings of the meeting, and all male persons in the district who are required to labor on the roads or who have road taxes to pay, may vote at such election, and the person receiving the highest number of votes shall be considered elected supervisor for that year who shall within ten days, and before entering upon the duties of said office, take an oath to faithfully discharge the duties of his office, and if required by the county commissioners, shall enter into bond to the county, with one or more sureties, in any sum not exceeding one thousand dollars, to be approved by the county commissioners, to the effect that he will faithfully account for all money coming into his hands by virtue of his office: *Provided, however*, If from any cause there is no election on the first Monday of April, the supervisor or any tax payer of the district may call a special election by giving notice as provided in this section, which election shall be held on the third Monday of the same month. It shall be the duty of the chairman and secretary of such meeting to notify the county auditor in writing, before the next regular meeting of the board of county commissioners, that the district has elected a supervisor and give his name in full; but in case any road district shall fail to notify the county auditor in writing that they have elected a supervisor, it shall be the duty of the county auditor to report what districts have failed to elect to the county commissioners at their regular May meeting, and they shall appoint supervisors to fill all vacancies in such road districts."

That section 21 be amended to read as follows:

"SEC. 21. It shall be the duty of every supervisor of roads,

on or before the first Monday in May, to obtain the names and make out in alphabetical order, a list of all persons liable to perform labor on the public roads residing within his road district, and file the same with the county auditor, whose duty it shall be to affix to each name the amount of taxable property owned by each person residing or owning real property therein, and issue his warrant for the collection thereof."

That section 22 be amended to read as follows:

"SEC. 22. It shall be the duty of the board of county commissioners of the several counties, at their May session, to levy and assess a road tax of four dollars on every male person liable to perform labor on the public roads, between the ages of twenty-one and fifty years, except persons that are a public charge or too infirm to perform labor, also to assess not less than two or more than five mills on every dollar's worth of property as returned by the county assessors, which tax shall be assessed and collected in labor at the rate of two dollars per day, unless he shall elect to pay the same in money: *Provided, however*, That all road taxes assessed on the property of non-residents of the county may be paid to the treasurer of the county at any time before the first Monday of August of each year."

Section 23 of the act to which this is amendatory, shall be amended to read as follows:

"SEC. 23. It shall be the duty of the road supervisor to place on his list the names of all persons liable to perform road labor, who shall fail to produce a receipt for the payment of road work by such person for the current year, and assess the number of days work to be performed by him, which assessment shall, in all respects, be valid as if made in due time."

Section 24 of said act to which this is amendatory, shall be amended so as to read as follows:

"SEC. 24. The supervisor must notify every person within his road district, subject to road labor as aforesaid, to perform the work assessed on the public roads within his district, and if

any person subject to road labor as aforesaid, shall, after three days' notice, either personally or by writing, left at his usual place of abode, by the supervisor or by any other person by his direction, neglect or refuse to attend by himself or suitable substitute, at the time and place designated by the supervisor, or having attended, shall refuse to obey the instructions of the supervisor, or shall pass his time in idleness or inattention to the labor or duties assigned him, every such delinquent shall thereby become liable to the supervisor for the amount of his road tax in money, and such supervisor shall proceed at once to collect the same by levy and sale of the property, real and personal, of such delinquent, or sufficient thereof for that purpose, and to pay the penalty for such delinquency and the costs and expense of the levy and sale. And any person having men employed, either for himself or a company, shall provide a list of the names of all such persons employed, and if said employer or agent of the employer shall fail to furnish such list, or, shall furnish an incomplete or otherwise incorrect one, then said employer or company shall be liable for the amount of the road tax of his or their employes and shall pay the road tax due by such men, or the men so employed, on being notified in writing by the supervisor: *Provided*, All money paid to or collected by the supervisor for road taxes shall be expended on the roads of his district."

That section 27 of the act to which this is amendatory, is hereby repealed.

That section 33 be amended to read as follows:

"Sec. 33. Every supervisor shall keep an account of the days' work performed on the roads in payment of road tax, and by whom performed, and also an account of all moneys collected or recovered by him for road tax, and such supervisor shall each year return his account to the board of county commissioners for examination and settlement, at the February or May term thereof, and must pay over any moneys in his possession to his successors in office."

That section 36 be amended to read as follows:

"SEC. 36. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, over and above the number of days work required by law to be performed by such supervisor, the sum of two dollars, to be paid out of the road fund of his district. Every person employed under this act as surveyor, viewer or chain bearer, shall receive such compensation as the county commissioners shall allow.

That section 37 be and the same is hereby repealed.

SEC. 2. None of the preceding provisions of this act shall apply to the counties of Walla Walla and Kitsap.

SEC. 3. All acts and parts of acts in any manner conflicting with any of the provisions of this act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Passed the House of Representatives November 28, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 29, 1871.

H. A. SMITH,

President of the Council.

Approved November 29, 1871.

EDWARD S. SALOMON.

Governor of Washington Territory.

AN ACT

CONFERRING UPON BOARDS OF COUNTY COMMISSIONERS CERTAIN POWERS IN REGARD TO HIGHWAYS.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That whenever any inhabitant

of this Territory shall have his fences removed by floods or destroyed by fire, the county commissioners of the county in which he resides shall have power to grant a license or permit for him or her to put a convenient gate or gates across any highway for a limited period of time, to be named in their order, in order to secure him from depredations upon his crops until he can repair his fences, and they shall grant such license or permit for no longer period than they may think absolutely necessary.

SEC. 2. It shall be lawful for the auditor of any county to grant such permit in vacation, but his license shall not extend past the next meeting of the commissioners court.

SEC. 3. Any person retaining a gate across the highway after his license shall expire, shall be subject to a fine of one dollar for the first day and fifty cents for each subsequent day he shall retain the same, and it may be removed by the road supervisor, as an obstruction, at the cost of the person placing or keeping it upon the highway.

SEC. 4. The fees of the auditor under this act shall be paid by the applicant.

SEC. 5. This act to take effect and be in force from and after its passage,

Passed the House of Representatives November 1, 1871.

J. J. H. VAN BOKKELEN,

Speaker of the House of Representatives.

Passed the Council November 18, 1871.

H. A. SMITH,

President of the Council.

Approved November 30, 1871.

EDWARD S. SALOMON,

Governor of Washington Territory.

AN ACT

AMENDATORY OF AN ACT, "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES AND TRAVEL ON PUBLIC HIGHWAYS," APPROVED DECEMBER 2, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That should the road supervisor, from any cause, fail to collect any of the taxes as already provided by law, by the first Monday of January in each year, it shall then be the duty of the said road supervisor to immediately make a return verified by affidavit, of all unpaid road taxes to the county auditor, whose duty it shall be within ten days thereafter, to add twenty per cent. to such unpaid road tax, and to make a transcript of the same, and attach his warrant thereto, which transcript and warrant shall be immediately placed in the hands of the sheriff of the county.

SEC. 2. The sheriff shall collect the taxes and per cent. named in the transcript in the same manner that unpaid Territorial, school and county taxes are collected. Of the twenty per cent. added ten per cent. shall be retained by the sheriff as his fees for collection, and the remaining ten per cent. shall be added to the road taxes collected and paid over to the county treasurer in the same manner that other taxes are.

SEC. 3. It shall be the duty of the sheriff to keep an account of all such taxes collected, and to note the amount collected in each respective district, which several amounts shall be paid out to the district from which it came, and the road supervisor shall receipt therefor. This act shall not apply to the counties of Walla Walla and Kitsap, nor shall it interfere with private or local laws.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED November 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section 24 be amended as follows: add the following to the end of said section: "*Provided, further*, That the supervisor be authorized to expend such portion of the road tax of his district as he may deem expedient for the purpose of taking out and otherwise improving such channels of sloughs, bays and rivers as are used as highways in his district."

APPROVED Nov. 12, 1875.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS," APPROVED DECEMBER 2, 1869, AND AMENDED AND APPROVED NOVEMBER 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section twenty-four of an act approved December second, one thousand eight hundred and sixty-nine, entitled "An Act in Relation to Roads, Ferries, Bridges and travel on Public Highways" be amended to read as follows:

"SEC. 24. The supervisor must notify every person

within his road district, subject to road labor as aforesaid, to perform the work assessed on the public roads within his district, and if any person subject to road labor as aforesaid shall after three days notice either personally or by writing left at his usual place of abode or sent by mail to his post-office address by the supervisor, or by any other person by his direction, neglect, or refuse to attend by himself or suitable substitute at the time and place designated by the supervisor, or, having attended, shall refuse to obey the directions, of the supervisor, or shall pass his time in idleness or inattention to the labor or duties assigned; every such delinquent shall thereby become liable to the supervisor for the amount of his or her road-tax in money, and such road supervisor shall proceed at once to collect the same by levy and sale of the property, real and personal, of such delinquent or sufficient thereof for that purpose and to pay the penalty for such delinquency and the costs and expense of the levy and sale. It shall be the duty of every person, firm, corporation, or company, or their agent who has or may have in his or their employ persons working for wages, who are liable to perform road labor under the law, whose names are not placed on the list of the road supervisors, to furnish to such supervisor on demand, the names of such persons employed by whatever name, number or appellation they are known by such person, firm, corporation or company or by his or their agent, and it shall also be the duty of such person, firm, corporation, or company, to retain or cause to be retained, from the wages of such person or persons a sufficient amount to pay the tax due from them respectively, and if a sufficient amount is not due to the person or persons so employed, then such person, firm, corporation or company, shall pay to the supervisor on demand whatever sum may be due to such person or persons so employed and if a sufficient amount shall thereafter become due to such person or persons it shall be retained and paid to the road supervisor on demand: *Provided*, Such person or persons so employed neglect or refuse to perform their road labor as required by law and the provisions of this act.

SEC. 2. That if the said person, firm, corporation, or company, or agent thereof shall fail, neglect, or refuse to furnish the list as herein provided, or shall fail, neglect, or refuse to pay the road tax due from such person or persons in his or their employ or who were in his or their employ at the time of the demand made by the road supervisor the said person, firm, corporation or company shall then and there become liable for the payment thereof and shall then and there and thereby become indebted to the county in the sum or sums which may be due from the person or persons in his or their employ which sum or sums, may be collected by suit in any court having jurisdiction of the sum involved within the judicial district or subdistrict wherein said county may be situated, which suit shall be in the name of the county, and such suit may be commenced at any time after such person, firm, corporation, or company shall have become indebted to the county, as provided in this act, if the board of county commissioners shall so order, and if the board of county commissiouers neglect or refuse to order such suit to be instituted when the amount of such indebtedness shall be collected by the sheriff of the county at the times and in the manner as other delinquent Territorial and county taxes, are collected and the said sheriff is hereby authorized to levy upon and attach and sell, at public auction, as upon execution, sufficient of the property, real and personal, of such person, firm, corporation or company to satisfy said indebtedness, together with costs of levy and sale as aforesaid; and the amount of the indebtedness so collected by the sheriff, shall be paid into the county treasury there to remain subject to the order of the supervisor of the road district in which such road taxes were assessed, the order of such supervisor in all cases arising under the provisions of this act must first be approved by the board of county commissioners.

SEC. 3. The foregoing provisions of this act shall be understood and construed to include all aliens employed between the age of twenty-one and fifty years; except those who are too infirm to perform labor, or who are a public charge.

SEC. 4. All aliens between the age of twenty-one and fifty years, who are not a public charge or too infirm to perform labor are hereby declared to be liable to, and shall pay road tax and perform road labor in the same manner, and be subject to the same responsibilities relating thereto, which are, or may be imposed upon resident citizens, and all persons, firms, corporations, or companies employing such aliens as herein provided are hereby expressly bound by the terms and conditions of this act to pay the road tax due from such aliens at the time and in the manner provided by the foregoing sections.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved November 9, 1877.

AN ACT

DECLARING ROADS, STREETS AND ALLEYS IN TOWNS AND CITIES PUBLIC HIGHWAYS.

SECTION. 1. *Be it enacted by the Legislative Assembly of The Terrtiory of Washington*, That whenever any city or twon has been surveyed and platted and a plat thereof showing the roads, streets and alleys has been filed in the office of the auditor of the county in which, such city or town is located, such plat shall be deemed the official plat of such city, or town, and all roads, streets and alleys in such city or town, as shown by such plat, be and the same are declared public highways: *Providing*, That nothing herein shall apply to any part of a city or town that has been vacated according to law.

SEC. 2. This act to take effect and be in force from and after its approval by the Governor.

Approved November 9, 1877.

AN ACT

TO LEGALIZE AND MAKE VALID THE LOCATION OF COUNTY ROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That when the board of county commissioners of any county have, upon petition, appointed viewers who have viewed and located any public highway or county road and the same has been surveyed and the minutes of such survey have been recorded in the office of the auditor of the county in which such survey was made, the said public highways or county roads so surveyed as aforesaid, be, and the same are hereby, declared to be lawful public highways and county roads to all intents and purposes, regardless of any defect or omission in posting notices or defect in the appointment of such viewers, or in their returns or reports of such view, survey and location; *Provided*, That the minutes of any such survey and location have been recorded as herein specified.

SEC. 2. That in any cause wherein the legality of any county road or public highway shall be contested the introduction of the record or a certified copy thereof showing that the minutes of the survey of any such road have been recorded as specified in section one of this act—the same shall be sufficient proof of the location, survey and legality of such road or roads.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved November 9, 1877.

EXTRACTS

FROM AN ACT TO PROVIDE FOR THE ASSSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE, APPROVED NOV. 9TH, 1877.

SEC. 30. Within ten days after the equalization of assessments is completed and approved by the board of county commissioners each county auditor shall furnish to each road supervisor in his county the lists required to enable said supervisors to collect the road taxes in their road districts. And each county auditor shall within the same time forward to the Territorial auditor a statement of the total valuation of taxable property in his county. And the Territorial auditor shall thereupon charge each county with the amount of Territorial tax due from each respectively at the rate of four mills on the dollar for the total amount of property in the county as per the auditor's statement of land listed, and the total value thereof.

SEC. 33. The auditor of each county in the second district, shall, on or before the second Monday of August, in every year, and the auditor in each county in the first district shall, on or before, the second Monday of November, of each year, make out a duplicate of the assessment roll with columns added thereto, showing the amount of the territorial, school, county, poll, road poll, and road property tax, and any special tax to be collected, and the aggregate amounts of all taxes charged on the valuation of all property assessed to each person named on the assessment roll, and shall deliver a copy of said duplicate assessment roll to the sheriff of the county. The copy delivered to the sheriff shall have appended thereto the warrant of the board of county commissioners under the hand of the president of the board and the county auditor, and the seal of the board of county commissioners in general terms requiring the treasurer to collect the taxes, therein levied,

according to law. The county auditor shall take the receipt of the treasurer for the copy of the tax roll with the warrant attached on delivering the same, and said receipt shall be filed and carefully preserved and the auditor shall at the same time charge the treasurer with the amount of all the taxes on said roll; the tax list and warrant of the commissioners shall be full and sufficient authority for the collection by the treasurer of all taxes therein contained.

EXTRACTS

FROM AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES, APPROVED NOVEMBER 10, 1873.

SEC. 113. Every person who shall in any manner obstruct any public highway, turnpike, plank road, or bridge, or injure any material used in the construction of such road or bridge, shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars.

SEC. 117. If any supervisor of roads fail to keep the highways and bridges in his road district in as good repair as the available labor or other means of such district will enable him to do, or fail to discharge any other duty required of him by law, he shall, on conviction thereof, be fined in any sum not exceeding two hundred dollars, and upon prosecution for neglecting to keep a highway in good repair, it shall be sufficient to prove that such highway is commonly reputed as such.

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